

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 6-13, and 16-30 are currently pending. The present Amendment amends Claims 1, 6, 13, 16, and 27; and cancels Claims 2, 4, 5, 14, and 15 without prejudice or disclaimer. The changes to the claims are supported by the originally filed application and do not introduce new matter. Further, the present Amendment merely incorporates into Claims 1 and 13 already considered features from allowable dependent claims. Therefore, the present Amendment does not raise new issues. Entry of the present Amendment is thus respectfully requested.

In the outstanding Office Action, Claims 1-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pages (U.S. Patent No. 5,774,818) in view of Trikha (U.S. Patent No. 6,003,811). Claims 5, 15, and 27 were objected to but noted as allowable if rewritten in independent form. Applicant appreciatively acknowledges the indication of allowable subject matter in the claims.

In response to the indication that Claim 5 is allowable, Claim 1 is amended to incorporate the features of Claims 2, 4, and 5. Claims 2, 4, and 5 are thus canceled without prejudice or disclaimer. Accordingly, it is respectfully submitted that amended independent Claim 1 and all associated dependent claims are now allowable.

In response to the indication that Claim 15 is allowable, Claim 13 is amended to incorporate the features of Claims 14 and 15. Claims 14 and 15 are thus canceled without prejudice or disclaimer. Accordingly, it is respectfully submitted that amended independent Claim 13 and all associated dependent claims are now allowable.

In response to the rejection of Claim 17 under U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons discussed next.

Briefly recapitulating, Applicant's invention, as recited in Claim 17, is directed to a method for operating an aircraft, including: (1) receiving guidance instructions and guidance parameters at a navigation computer; (2) transmitting automatic pilot instructions from the navigation computer to a flight control computer, ***a single control function being embedded in said flight control computer***; (3) receiving control instructions and the automatic pilot instructions at the flight control computer; and (4) in an automatic pilot mode, generating a first plurality of operating commands based on the automatic pilot instructions.

The Office Action asserts at page 2 that Pages teaches "a single control function being embedded in said flight control computer" and cites "figure 4" in support of this assertion. Applicant respectfully disagrees and submits that Fig. 4 in Pages does not show any control function, much less the claimed single control function. In particular, the PA 13 of Fig. 4 in Pages, which the Office Action cited as corresponding to the flight control computer, is merely an empty box that does not contain any depiction and thus nothing representing a control function. Moreover, the corresponding passages in Pages mention that the automatic piloting device 13 computes the instructions to be applied (1) to the control surfaces as a function of the position and course of the aerodyne and (2) to the control surface actuators.¹ As such, there is no teaching or suggestion in Pages of a single control function and absent such a teaching or suggestion, the duplicity of instructions computed at the automatic piloting device 13 would in fact tend to suggest a plurality of control functions to one of ordinary skill in the art who has not been afforded the benefit of hindsight of Applicant's invention. Applicant further notes that the Office Action itself indicated at page 3 that Pages "does not

¹ Pages, column 5, lines 47-55.

disclose a single control function.” Further, the fact that Pages is silent with respect to a single control function also leads to a failure of Pages to teach or suggest a single control function *embedded* in said flight control computer.

The Office Action also asserts at page 3 that Trikha discloses “the single function is embedded in said flight control computer” and cites Trikha’s primary flight computer 26 in support of this assertion. Applicant respectfully disagrees and submits that Trikha’s primary flight computer 26 converts (1) the autopilot inputs as well as the pilot (2) column, (3) wheel, and (4) pedal inputs into desired surface actuator commands.² Thus, there is no teaching or suggestion in Trikha of a *single* control function and absent such a teaching or suggestion, the multiplicity of inputs processed by Trikha’s primary flight computer 26 would in fact tend to suggest a plurality of control functions to one of ordinary skill in the art who has not been afforded the benefit of hindsight of Applicant’s invention.

Therefore, it is respectfully submitted that Pages and Trikha, whether taken alone or in combination, do not teach or suggest “a *single* control function being *embedded* in said flight control computer,” as positively recited in independent Claim 17. Therefore, even if the combination of Pages and Trikha is assumed to be proper, the combination fails to teach every element of the claimed invention. Accordingly, Applicant respectfully traverses and requests reconsideration of the rejection of independent Claim 17 and all associated dependent claims based on Pages and Trikha.³

Finally, Applicant notes that the information disclosure statement filed on March 2, 2005, is only partially initialed. To that effect, Applicant respectfully requests formal acknowledgment of the consideration of the “AO” foreign patent document reference “0573106” in the next Office communication.

² Trikha, column 3, lines 20-25.

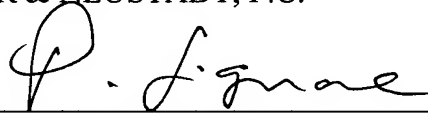
³ See MPEP 2142 stating, as one of the three “basic criteria [that] must be met” in order to establish a *prima facie* case of obviousness, that “the prior art reference (or references when combined) must teach or suggest all the claim limitations,” (emphasis added). See also MPEP 2143.03: “All words in a claim must be considered in judging the patentability of that claim against the prior art.”

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 3, 6-13, and 16-30 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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